

California Victim Compensation and Government Claims Board

Open Meeting Minutes

April 19, 2007, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Happy Chastain, Deputy Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, April 19, 2007, at 10:01 a.m. Also present was Board member Les Kleinberg, Deputy Controller, acting for and in the absence of John Chiang, Controller.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; and Karl Grossenbacher, Interim Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Item 1. Minutes of the March 15, 2007, Board Meeting

The Board voted to hold the March 15, 2007, minutes over to the May 22, 2007, Board meeting for approval and adoption by Chairperson Marin and Board member Michael Ramos.

Item 2. Public Comment

The Board opened the meeting for public comment. No public comment was offered.

Item 3. Executive Officer's Statement

The Executive Officer offered her condolences to the families of the victims of the tragic event that took place on Monday, April 16, 2007, at Virginia Tech. The Executive Officer reported that the VCGCB has been in contact with Virginia's Criminal Injuries Compensation Fund (CICF) and informed the CICF that the VCGCB will assist in any way possible. The Executive Officer reported that the VCGCB has appointed a single point of contact to assist any California families that were affected by the event.

The Executive Officer presented each Board member a proclamation from Governor Schwarzenegger proclaiming April 22-28, 2007, Crime Victims' Rights Week in California. Board members were provided informational packets that contained Victims' Rights Week ribbons, flyers, and bookmarks that were also distributed throughout the state.

The Executive Officer gave her report to the Board, which included the following information:

- National Crime Victims' Rights Week – April 22-28 is Victims' Rights Week and the theme is "Every Victim. Every Time." The VCGCB will participate in a number of events and activities at the local, state, and national level including the annual march to the west steps of the Capitol on April 23.
- VCGCB staff attended the Western Regional Conference of the National Association of Crime Victim Compensation Boards in San Diego on April 10-13. Presenters included Casey Gwinn, Chief Executive Officer of the San Diego Family Justice Center; Paul Greenwood, San Diego County Deputy District Attorney; and Barbara Ryan, Director of Clinical Services at the Chadwick Center for Children and Families, San Diego Children's Hospital.
- The Capital Center for Government Law and Policy at the University of the Pacific McGeorge School of Law hosted the "Symposium on Crime Victims' Rights – The Third Wave," on March 20-21 in Sacramento at the University of the Pacific McGeorge School of Law.

Participants included representatives of local, state, and federal victims' organizations. Topics of discussion included emerging issues for victims, human trafficking, and the federal victim's bill of rights.

- CaRES, the VCGCB's automated claims processing system, "went live" to three pilot counties: Sacramento, San Joaquin, and San Bernardino. These three counties represent a small, regional, and large county JP unit processing victims' claims. The pilots are providing important feedback on the CaRES project from the field's perspective.
- April is Sexual Assault and Child Abuse Awareness Month.
- The bus shelter pilot project is underway in Los Angeles County.

Government Claims Program

Item 4. Consent Agenda (Nos. 1- 559)

Donna Corbin, Government Claims Coordinator, appeared on behalf of the Department of Corrections and Rehabilitation. Ms. Corbin requested number 48, claim number G561930, be continued. The Board voted to continue number 48, claim number G561930.

The Board voted to adopt the staff recommendations for numbers 1 through 559, with the exception of numbers 147, 223, and 224, which were continued at the request of staff.

Item 5. City of South Lake Tahoe **G558401**

Bruce McGagin, attorney, appeared on behalf of the Department of Transportation. Pursuant to the Rules of Professional Conduct and to ensure that there was no appearance of impropriety, Mr. McGagin disclosed to the Board that that he is related to Karen McGagin, Executive Officer of the VCGCB. Mr. McGagin also stated that he disclosed this information to the City Attorney's Office in South Lake Tahoe and to the Department of Transportation.

Fred Mercado, legal analyst, City Attorney's Office, and James Marino, engineer, Public Works Department, appeared on behalf of the City of South Lake Tahoe. Mr. Mercado stated there was no objection to Mr. McGagin's appearance.

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$215,000.00 be paid pursuant to Government Code section 965 (agency pay).

Item 6. Xerox Capital Services **G564435**

The Board voted to continue the claim for 60 days at the request of the claimant to allow additional time to work with the Department of Transportation.

Item 7. CIBER, Inc. **G564386**

Natalie Esparza-Young appeared on behalf of the Office of Statewide Health Planning and Development.

Cindy Sartori appeared on behalf of CIBER, Inc.

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$128, 494.83, to be paid pursuant to Government Code section 965 (agency pay).

Item 8. Aspen Environmental Group

G565141

Kerry Willis, Senior Staff Counsel, appeared on behalf of the California Energy Commission.

Tom Murphy, Consulting Vice President, Aspen Environmental Group, appeared.

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$109,986.49, to be paid pursuant to Government Code section 965 (agency pay).

**Item 9. Protest of Marshall Enterprises
Invitation for Bid 55681**

The Board voted to continue the claim to the May 22, 2007, Board meeting at the request of staff.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 10:27 a.m.

Item 10. Consent Agenda (Nos. 1- 12)

The Board voted to adopt the staff recommendations.

**Item 11. Request for Reconsideration
Recommendation: Partial Allow (No. 13)**

The Board voted to adopt the staff recommendations to allow the claim in part.

**Item 12. Requests for Reconsideration
Recommendations: Deny (Nos. 14-39)**

The Board voted to adopt the staff recommendations for numbers 15-39 with the exception of number 14, which was continued at the request of staff.

**Item 13. Reconsideration Following Board Action on a Proposed Decision
Recommendation: Deny (No. 40)**

The Board voted to adopt the staff recommendation to deny the reconsideration.

**Item 14. Proposed Decisions Following Failure to Appear
(Nos. 41- 64)**

The Board voted to adopt the proposed decisions for numbers 41-64 with the exception of numbers 47 and 63, which were pulled at the request of staff.

Closed Session

Pursuant to Government Code sections 11126(c)(3) and 11126(e), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 10:31 a.m. to deliberate on the proposed decisions, numbers 65-114, and to confer with and receive advice from counsel regarding pending litigation.

The Board reconvened into open session at 10:40 a.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 65-72, 74-84, and 86-114. The Board voted to return number 73 to the hearing officer for further review.

Adjournment

The Board meeting adjourned at 10:42 a.m.

Karen McGagin
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of May 22, 2007, at Sacramento, California.

Date: May 22, 2007

By: _____

Board Liaison

(Affix Seal here)